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Security Council

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2 March 2007
English
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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 16 February 2007 from the Permanent Mission of Belgium to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Belgium to the United Nations presents its compliments to the members of the Security Council Committee established pursuant to resolution 1737 (2006) and has the honour to refer to the note dated 7 February 2007.

In response to the above-mentioned note, the Mission transmits herewith the report of Belgium on the steps it has taken or intends to take to implement the resolution concerned (see annex).

07-25619 (E) 050307 070307

Annex to the note verbale dated 16 February 2007 from the Permanent Mission of Belgium to the United Nations addressed to the Chairman of the Committee

Report of Belgium

1. Pursuant to paragraph 19 of Security Council resolution 1737 (2006), Belgium has the honour to convey to the Sanctions Committee the following information regarding the effective implementation of the measures set forth in paragraphs 3, 4, 5, 6, 7, 10, 12 and 17 of the resolution.

2. Pending the adoption of the appropriate European instruments and pursuant to the conclusions of the General Affairs and External Relations Council of the European Union of 22 January 2007, the Government of Belgium has adopted the following provisions to implement the measures decided upon by the Security Council.

3. The Act of 9 February 1981 (regulating conditions for the export of nuclear materials and equipment and nuclear technological data), the Royal Decree of 16 July 1993 (on the transfer to non-nuclear-weapon States of nuclear materials, nuclear equipment, nuclear technological data and derivatives thereof), the Act of 5 August 1991 (on the import, export and transit of, and on combating trafficking in arms, munitions and equipment specifically intended for military use or law enforcement and related technology, as amended by the Act of 25 March 2003) and the Decree of 8 March 1993 (as amended by the Royal Decree of 2 April 2003), as well as Regulation No. 1334/2000 of the Council of the European Union of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology, constitute the legal and regulatory framework for the adoption of the measures referred to in paragraphs 3, 4, 5 and 6 of Security Council resolution 1737 (2006).

4. The financial measures referred to in paragraphs 6 and 12 of the resolution will be implemented without delay, in pursuance of the Act of 11 May 1995 on the implementation of decisions of the United Nations Security Council.

5. The measures referred to in paragraph 7 of the resolution will be implemented in the framework of the Act of 11 September 1962 relating to the import, export and transit of goods and related technologies.

6. The vigilance measures referred to in paragraph 10 of the resolution are being taken in pursuance of the Act of 15 December 1980 on access to the territory, stay and establishment therein, and expulsion therefrom, of aliens.

7. The vigilance measures referred to in paragraph 17 of the resolution will be the subject of a supplementary report.

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Note verbale dated 20 February 2007 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Austria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) and, with reference to his note of 7 February 2007, has the honour to transmit the report pursuant to paragraph 19 of resolution 1737 (2006) on the steps taken by the Government of Austria with a view to implementing the relevant provisions of the above-mentioned resolution (see annex).

07-25625 (E) 080307

Annex to the note verbale dated 20 February 2007 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

Security Council resolution 1737 (2006) Implementation by Austria

As a Member State of the European Union (EU), Austria implements the restrictive measures against Iran imposed by Security Council resolution 1737 (2006) by taking the following measures:

Firstly, through the following legal acts of the EU and/or the European Community (EC):

- a draft Common Position (EU) concerning restrictive measures against Iran, politically endorsed by the Council of the European Union on 12 February 2007;
- a Council Regulation (EC) to be adopted without delay;
- Council Regulation (EC) No. 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology.

Secondly, the competent Austrian authorities apply the following Austrian legislation in implementing the restrictive measures against Iran imposed by Security Council resolution 1737 (2006):

- With regard to the obligations contained in paragraphs 3 and 4 of Security Council resolution 1737 (2006) the legal basis for their implementation is a national authorization procedure established by the above-mentioned Council Regulations, the Foreign Trade Act (FTA, Federal Law Gazette I No. 50/2005 as amended) and the Foreign Trade Regulation (FTAR, Federal Law Gazette II No. 121/2006) as well as the War Materials Act (WMA, Federal Law Gazette I No. 57/2001 as amended). Non-compliance with the FTA or the WMA constitutes a criminal offence punishable with up to five years of imprisonment or payment of a fine of up to 360 daily rates.
- The obligations contained in paragraph 5 of Security Council resolution 1737 (2006) are being administered by the competent Austrian authorities in accordance with the above-mentioned Council Regulations and the FTA. With regard to the obligations contained in paragraph 5 (c) and (d) the legal basis for their implementation is Section 36 of the FTA.
- With regard to the obligations contained in paragraph 6 of Security Council resolution 1737 (2006) the legal basis for their implementation are the above-mentioned Council Regulations and Section 10 of the FTA.
- With regard to the obligation contained in paragraph 10 of Security Council resolution 1737 (2006) the Aliens Police Law (Federal Law Gazette I No. 157/2005 as amended) and the Law on Residence (Federal Law Gazette I No. 100/2005 as amended) empower the competent Austrian authorities to impose the appropriate travel or entry restrictions as well as to notify the Committee in accordance with this paragraph.

- With regard to the obligation contained in paragraph 12 of Security Council resolution 1737 (2006) the Austrian Exchange Control Act (Federal Law Gazette I No. 123/2003) stipulates that non-compliance with regulations of the European Community or relevant Austrian Federal Government regulations concerning the freezing of funds is a criminal offence punishable with up to one year of imprisonment.

- With regard to the obligation contained in paragraph 17 of Security Council resolution 1737 (2006) the Security Police Act (Federal Law Gazette No. 566/1991 as amended) provides for restrictive measures, in particular through an awareness programme, according to which universities and private research institutions engaged in sensitive nuclear activities are, on a regular basis, being contacted and their attention being drawn towards the risks of contributing to Iran's proliferation sensitive nuclear activities and development of nuclear weapon delivery systems.

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Letter dated 20 February 2007 from the Permanent Representative of Pakistan to the United Nations addressed to the Chairman of the Committee

I have the honour to transmit the report of Pakistan on the implementation of Security Council resolution 1737 (2006) (see annex).

I would appreciate if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Munir **Akram**

07-25631 (E) 070307

Annex to the letter dated 20 February 2007 from the Permanent Representative of Pakistan to the United Nations addressed to the Chairman of the Committee

Report on implementation of United Nations Security Council resolution 1737 (2006) by Pakistan

Pakistan is committed to implementing its international obligations including those pursuant to various Security Council resolutions. Pakistan has various legislative measures in place to give effect to the provisions of United Nations Security Council resolution 1737 (2006).

The Export Control on Goods, Technologies, Material and Equipment Related to Nuclear and Biological Weapons and their Delivery Systems Act 2004 and other relevant laws enable the government to restrict, control or prohibit export of proliferation sensitive items from Pakistan. The Act also controls intangible technology transfers and empowers the government to impose restrictions on training assistance or other forms of services which could contribute to the designing, development, production, stockpiling, maintenance or use of WMDs and their delivery systems.

Pursuant to the Export Control Act 2004, the Government of Pakistan in 2005 notified national Control Lists of Goods, Technologies, Materials and Equipment related to Nuclear and Biological Weapons and their Delivery Systems, which are subject to strict export controls. Scheduled Chemicals listed in the Chemical Weapons Convention are being controlled under the CWC Implementation Ordinance of 2000.

The Control Lists adopted by Pakistan encompass the lists and scope of export controls maintained by the Nuclear Suppliers Group (NSG), the Australia Group (AG) which relates to biological agents and toxins, and the Missile Technology Control Regime (MTCR). The classification system is based on the European Union's integrated list. As such, Pakistan's national control lists include the items covered by documents S/2006/814 and S/2006/815. No item on Pakistan's national control lists can be exported without the "No Objection" of the Ministry of Foreign Affairs which thoroughly examines applications for exports in the light of Pakistan's non-proliferation commitments and its international obligations.

Following the adoption of Security Council resolution 1737 (2006), the Ministry of Foreign Affairs circulated the text of the resolution to all concerned organizations in Pakistan for compliance with its operative provisions 3, 4, 5 ,6, 7, 10, 11, 12, 13, 14, 15 and 17. This official communication was followed by the issuance of a Statutory Regulatory Order (SRO), Gazette Notification, of 15 January 2007. The said SRO has been adopted pursuant to Pakistan's United Nations (Security Council) Act, 1948 which empowers the Federal Government to give effect to Security Council decisions. It may be noted that SROs are official public documents which are published in the Gazette of Pakistan.

Security Council resolution 1737 (2006), its annex, documents S/2006/814, S/2006/815 and S/2006/985 have been annexed to the SRO for compliance by all concerned organizations and entities in Pakistan, including the guidelines contained in documents S/2006/814 and S/2006/985. In addition to controlling transfers and

provision of training assistance, services etc. pursuant to operative paragraphs 3, 4, 5, 6, 7 and 17 of resolution 1737 (2006), the SRO constitutes a legal basis for giving effect to the provisions of operative paragraphs 10, 11, 12, 13, 14, 15 and 16 of resolution 1737 (2006).

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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 21 February 2007 from the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Denmark to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) and has the honour to attach its report on the steps taken by the Government of Denmark to implement paragraph 19 of the above-mentioned resolution (see annex).

07-25637 (E) 080307

Annex to the note verbale dated 21 February 2007 from the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Committee

Report by Denmark submitted pursuant to paragraph 19 of Security Council resolution 1737 of 23 December 2006

Denmark has the honour of informing the Security Council of the following steps taken with a view to implementing effectively the provisions of paragraphs 3, 4, 5, 6, 10, 12 and 17 of United Nations Security Council resolution (UNSCR) 1737 of 23 December 2006:

The legal basis for control of dual-use items in Denmark is EU Regulation 1334/2000. Through this Regulation and the control list (EU Regulation 394/2006) Denmark controls the export of dual-use items listed by the various export control regimes. The EU Regulation is supplemented by national legislation describing the national administration of the Regulation, including penal sanctions in case of violation. The maximum penalty for offences related to this act is imprisonment and/or an unlimited fine. In case of aggravating circumstances and when the violation is related to Weapons of Mass Destruction (WMD), the offence is covered by the Criminal Code.

Regarding paragraph 3 of resolution 1737 (2006), export licences concerning items listed in subparagraphs (a), (b) or (c) will not be issued.

Concerning paragraph 4 of resolution 1737, export licences concerning other items that could contribute to the pursuit of activities mentioned in subparagraphs (a), (b) and (c) will not be issued.

Regarding paragraph 5 of resolution 1737, applications for export licence concerning items not prohibited by subparagraphs 3 (b), 3 (c) or 4 (a) will be considered with utmost vigilance and those bodies mentioned in paragraph 5 will be notified in case a licence will be approved.

Regarding paragraph 6 of resolution 1737, following the Act on application of certain European Communities Acts on economic relations to third countries (Consolidated Act No. 474 of 14 June 2005) the provisions of technical assistance concerning dual-use items is prohibited if the assistance may be related to WMD. (Technical assistance is defined as any technical support related to repairs, development, manufacture assembly, testing, maintenance or any other technical service, that may take form as instruction, training, transmission or working knowledge or skills or consulting services.)

The restrictions on admission of the individuals specified in paragraph 10 of the resolution as well as its annexes C-E will be implemented in accordance with existing legislation, i.a., the Danish Aliens Act and EC Regulation 539/2001 with subsequent amendments, according to which Iranian citizens must be in possession of a visa when crossing the external borders of the EU.

Concerning paragraph 12 of the resolution regarding freezing of funds, other financial assets and economic resources, please be informed that in its conclusions adopted on 22 January 2007 the Council of the European Union welcomed the measures in resolution 1737 (2006) and called on all countries to implement the

measures in full and without delay. The Council agreed that the EU should prevent the export to and import from Iran of the goods on the NSG and MTCR lists; ban transactions with and freeze the assets of individuals and entities covered by the criteria in resolution 1737 (2006); and take measures to prevent Iranian nationals from studying proliferation-sensitive subjects within the EU.

The EU immediately initiated the preparation of legal instruments implementing the provisions of resolution 1737 (2006). On 12 February 2007 the Council politically endorsed a draft Common Position concerning restrictive measures against Iran. Preparations are under way to adopt without delay a Council Regulation. Further information will be provided to the Security Council, once the Common Position and Regulation have formally been adopted.

Under general European law principles, a Council Regulation is directly applicable in Denmark without the need for domestic implementing legislation. Nevertheless, Denmark will carefully consider whether there is a need to take additional measures nationally once the Council Common Position and the Council Regulation has been adopted.

Finally, concerning paragraph 17 of the resolution, restrictions on Iranian nationals from studying proliferation-sensitive subjects in Denmark will be implemented in accordance with existing legislation on admission of individuals, cf. above.